

-4-

REMARKS

The undersigned thanks the Examiner for discussing the Final Office Action and proposed claim amendments with him by telephone on October 5, 2005, for reviewing a draft of this amendment, and for indicating that she believed that claims as amended herein would receive favorable consideration.

Claims 25, 30 and 31 have been amended and Claims 59 through 66 have been canceled.

Claim 25 has been amended to recite that the isolated neurotrophic peptide consists of the recited amino acid sequence.

Claim 30 has been amended to more clearly describe the fusion protein and the fusion partner it contains.

Claim 31 has been amended to recite "fusion partner moiety."

Support for the amended claims is found, for example, at page 5, lines 14-25, and page 22, lines 8-12. This amendment adds no new matter.

Paragraph 6. Rejection of Claims 25, 27-33 and 59-66 Under 35 U.S.C. § 112, First Paragraph.

Claims 25, 27-33 and 59-66 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that there is no support for the claimed combination of elements.

Claims 59-66 have been canceled, obviating the rejection with respect to these claims.

Independent Claims 25 and 30 have been amended as described above, thereby obviating the rejection with respect to Claims 25 and 27-33.

Paragraph 7. Priority.

Support for the amended claims is found in the priority application (U.S. Patent Application No. 60/172,881) at page 5, lines 6-14; page 17, lines 9-12; page 18, lines 14-15; and page 24, lines 3-7, for example.

Paragraph 10. Rejection of Claims 30, 33, 63 and 66 Under 35 U.S.C. § 102(b).

Claims 30, 33, 63 and 66 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pereira *et al.*, *J. Exp. Med.*, 174:179-191 (1991) (Reference AX of record) as evidenced by

-5-

Stratagene, Product Info - pBlueScript® II Phagemid Vector and map associated with ATCC Accession No. 87047.

Claims 63 and 66 have been canceled, obviating the rejection with respect to these claims.

With respect to Claims 30 and 33, the Examiner states that the recitation of "fusion partner" in the claims does not disqualify the natural amino acid sequence that comprises SEQ ID NO:14 from being an adequate fusion partner as claimed.

Applicant respectfully directs the Examiner's attention to page 22, lines 8-11 of the specification which teaches:

Fusion proteins encompass polypeptides comprising TS (e.g., SEQ ID NO:2, SEQ ID NO:34) or an active variant thereof as a first moiety, linked via a covalent bond (e.g., a peptide bond) to a second moiety (a fusion partner) not occurring in the TS as found in nature.

(Specification at page 22, lines 8-11. Emphasis added.)

These teachings, and the amended claim language, make clear that the Claims 30 and 33 do not encompass the natural amino acid sequence of the *T. cruzi* trans-sialidase (SEQ ID NO:34) that contains SEQ ID NO:14. Reconsideration and withdrawal of the rejection are respectfully requested.

Paragraph 11. Rejection of Claim 25, 27-33 and 59-66 Under 35 U.S.C. § 103(a).

Claims 25, 27-33 and 59-66 are rejected under 35 U.S.C. § 103(a) as being obvious over Pereira *et al.*, *J. Exp. Med.*, 174:179-191 (1991) (Reference AX of record) in view of Chuenkova *et al.*, *Mol. Biol. of the Cell*, 11:1487-1498 (2000) (Reference AU of record).

Claims 59-66 have been canceled, obviating the rejection with respect to these claims.

Amended independent Claims 25 and 30 are supported by the priority application and entitled to the benefit of its December 20, 1999 filing date. Therefore, Chuenkova *et al.* is not prior art under 35 U.S.C. § 102, and cannot be used in a rejection under 35 U.S.C. § 103.

Withdrawal of the rejection is respectfully requested.

-6-

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Robert H. Underwood
Robert H. Underwood
Registration No. 45,170
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: *October 25, 2005*